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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,684	02/25/2004	Shigeki Hamura	0941.69847	3015
<div>7590 10/31/2007</div> <div>Patrick G. Burns, Esq. GREER, BURNS & CRAIN, LTD. Suite 2500 300 South Wacker Dr. Chicago, IL 60606</div> <div>EXAMINER NGUYEN, DUSTIN</div> <div>ART UNIT PAPER NUMBER</div> <div>2154</div> <div>MAIL DATE DELIVERY MODE</div> <div>10/31/2007 PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/786,684

Applicant(s)

HAMURA, SHIGEKI

Examiner

Dustin Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>02/25/04, 06/21/04; 03/06/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 9 are presented for examination.

Specification

2. The disclosure is objected to because of the following informalities: “ore” should be corrected as “or” on page 16, line 32. Examiner requests Applicant to correct any other error.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The claim language in the following claims is not clearly explained:

- I. As per claim 7, the limitation of “depending on a state of the image processing apparatus” is considered as being indefinite since it is not clearly defined depending on a state of the receiving end image processing apparatus or the transmitting end image processing apparatus.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 4 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Motoyama [US Patent No 6,928,493].

7. As per claim 1, Motoyama discloses the invention as claimed including an image recording and/or reproducing method adapted to a system comprising a plurality of image processing apparatuses which have functions of recording and/or reproducing image data and are coupled via one or a plurality of networks [Figure 1; and col 3, lines 17-44], comprising:

transmitting an instruction from a first image processing apparatus with respect to a second image processing apparatus by an electronic mail [i.e. transmit the information request through electronic mail to the monitoring device from the monitored device] [Figures 10 and 11; Abstract; col 9, lines 15-20 and lines 50-60; and col 13, lines 39-53]; and

returning a status report related to the second image processing apparatus to the first image processing apparatus by an electronic mail, in response to the instruction received by the electronic mail [i.e. transmit results back to the monitored device] [Figure 7; col 7, lines 46-63; and col 9, lines 21-33 and lines 60-65].

8. As per claim 4, Motoyama discloses wherein the first image processing apparatus functions as a master apparatus, and one or a plurality of image processing apparatuses coupled to a network to which the first image processing apparatus is coupled function as slave apparatuses [i.e. monitoring and monitored devices] [Figures 10 and 11; col 1, lines 31-38; and col 3, lines 17-44].

9. As per claim 6, it is rejected for similar reasons as stated above in claim 1.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2, 3, 5, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Motoyama [US Patent No 6,928,493], in view of Ochiai [US Patent No 7,171,677].

12. As per claim 2, Motoyama does not specifically disclose continuing recording or reproduction by linking operation with an image processing apparatus which is other than the second image processing apparatus and is coupled to said one or plurality of networks, depending on a state of the second image processing apparatus. Ochiai discloses continuing

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recording or reproduction by linking operation with an image processing apparatus which is other than the second image processing apparatus and is coupled to said one or plurality of networks, depending on a state of the second image processing apparatus [i.e. automatic select and forward to communication partner to record the broadcast program when the broadcast storing apparatus is impossible to further record data] [col 1, lines 47-63; col 5, lines 37-54; and col 25, lines 34-41]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Motoyama and Ochiai because the teaching of Ochiai would provide a broadcast storing and reproducing apparatus which can automatically select a video apparatus from plural and various video apparatus in response to a user's request [Ochiai, col 1, lines 36-39; and col 24, lines 64-col 25, lines 7].

13. As per claim 3, Motoyama discloses wherein: the instruction included in the electronic mail includes one of a record instruction, a reproduce instruction and a status request [i.e. print and request image density information] [Figures 10 and 11; Abstract; and col 9, lines 16-33 and lines 50-67]. Motoyama does not specifically disclose the record instruction includes an apparatus name of the second image processing apparatus, a specified recording material, a start time and an end time; the reproduce instruction includes an apparatus name of the second image processing apparatus, a specified reproducing material, a start time and an end time; and the status request includes an operating state of the second image processing apparatus, a vacant memory capacity within the second image processing apparatus, and a list of reproducible contents, said operating state of the second image processing apparatus including a recording state, a reproducing state and a standby state. Ochiai discloses the record instruction includes

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an apparatus name of the second image processing apparatus, a specified recording material, a start time and an end time; the reproduce instruction includes an apparatus name of the second image processing apparatus, a specified reproducing material, a start time and an end time; and the status request includes an operating state of the second image processing apparatus, a vacant memory capacity within the second image processing apparatus, and a list of reproducible contents, said operating state of the second image processing apparatus including a recording state, a reproducing state and a standby state [Abstract; col 9, lines 30-59; and col 21, lines 9-25]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Motoyama and Ochiai because the teaching of Ochiai would provide a broadcast storing and reproducing apparatus which can automatically select a video apparatus from plural and various video apparatus in response to a user's request [Ochiai, col 1, lines 36-39; and col 24, lines 64-col 25, lines 7].

14. As per claim 5, it is rejected for similar reasons a stated above in claims 1 and 2.

15. As per claims 7 and 8, they are rejected for similar reasons as stated above in claims 2 and 3.

16. As per claim 9, it is rejected for similar reasons as stated above in claims 1 and 2.

17. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dustin Nguyen

Examiner

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